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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,593	06/25/2003	Steven E. Tivey	52493.000312	1428
21967 7590 12/04/2008 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109				
EXAMINER				
McCORMICK, GABRIELLE A				
ART UNIT		PAPER NUMBER		
3629				
MAIL DATE		DELIVERY MODE		
12/04/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/602,593

**Applicant(s)**

TIVEY ET AL.

**Examiner**

Gabrielle McCormick

**Art Unit**

3629

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 7, 8, 14, 17, 18 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-8, 14, 17-18 and 20-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Status of Claims*

1. This action is in reply to the amendment filed on October 17, 2008.
2. Claims 1-3, 17 and 20 have been amended.
3. Claims 21-25 have been added.
4. Claims 9-13 and 15-16 have been canceled.
5. Claims 1-4, 7-8, 14, 17-18 and 20-25 are currently pending and have been examined.

### *Information Disclosure Statement*

6. The Information Disclosure Statement filed on November 26, 2008 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

### *Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4, 7, 14, 17-18, 20, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckenmayer (US Pub. No. 2002/0165728) in view of Brodersen et al. (US Pat. No. 6,850,895, hereinafter referred to as "Brodersen").
9. **Claims 1 and 17:** Buckenmayer discloses a method and system (access to the Web via a personal computer (inherently containing processing and interface capabilities) is assigned to a sales representative or manager; see para. [0042]) for managing sales leads:
  - *assigning a sales lead to a first agent;* (para. [0055])

- *obtaining disposition information regarding the sales lead, the disposition information representing a disposition of the sales leads to rework the sales lead; transmitting the disposition information to a lead processing portion; (para. [0022]: sales representative has transacted the disposition of a lead and clicks the "dispose of lead" button which automatically changes the attribute status to "C" for closed. Also, para. [0063] and [0068]: sales representative refuses to take the lead and status changed from "A" to "O". This action represents disposition information from the agent which causes the lead to be reworked based on the agent's refusal to accept the lead.))*
  - *comparing the disposition information with associated disposition rules in the lead processing portion; (para. [0055]: "After disposal, customer 6 receives the attribute status "C", whereupon the modified inquiry file is again transferred back to LITE 3 and is stored in the central database 2 wherein the version of the inquiry file that has been present up to now, but is no longer current, is overwritten." The process of overwriting a file inherently includes performing a comparison to find the previous version so that it can be overwritten. Further, when attribute status changes from "A" to "O", the lead will need to be reassigned as a result of the agent's refusal to accept the lead.)*
10. Buckenmayer does not disclose *assigning the sales lead to a second sales agent to rework the sales lead based on a disposition rule selected as a result of the comparison.*
11. Brodersen, however, discloses that batches of tasks can be submitted for reassignment, such as when an employee is promoted and their tasks need to be reassigned. (C15; L52-56).
12. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included reassigning tasks (i.e., leads) to another for rework, as disclosed by Brodersen, in the system of Buckenmayer for the motivation of ensuring that leads are followed-up and not left to become "cold" as a result of personnel actions, such as promotions, vacations, leaves of absences and terminations. Buckenmayer discloses that sales agents can refuse leads, thus changing the attribute status used in the automatic assignment process. It is obvious that a sales agent might refuse a lead as a result of a job change or unavailability. It is further obvious that

such a lead would be reassigned in Buckenmayer's system as a result of the status changed back to "O" for open.

13. **Claims 2, 3, 4 and 18:** Buckenmayer discloses a first agent terminating working the lead and entering a disposition code. (para. [0022]: sales representative has transacted the disposition of a lead and clicks the "dispose of lead" button which automatically changes the attribute status to "C" for closed and P[0063]: agent refuses lead; status changes from "A" to "O".)
14. **Claim 7:** Buckenmayer discloses searching leads by status (para. [0143] and para. [0160] changing leads (a status, i.e., disposition code, could be assigned at this point).
15. **Claim 14:** Buckenmayer discloses entering the "Name of person making the entry" (para. [0082]) and "Changing or deleting a lead is only possible for the person entering it" (para. [0160]).
16. **Claim 20:** Buckenmayer discloses
  - *assigning a sales lead to a first agent to work the sales lead; ;* (para. [0055])
  - *obtaining disposition information regarding the sales lead from the first agent, the disposition information representing a disposition of the sales leads to re-work the sales lead; transmitting the disposition information to a lead processing portion;* (para. [0022]: sales representative has transacted the disposition of a lead and clicks the "dispose of lead" button which automatically changes the attribute status to "C" for closed. Also, para. [0063] and [0068]: sales representative refuses to take the lead and status changed from "A" to "O". This action represents disposition information from the agent which causes the lead to be reworked based on the agent's refusal to accept the lead.))
  - *comparing the disposition information with associated disposition rules in the lead processing portion;* (para. [0055]: "After disposal, customer 6 receives the attribute status "C", whereupon the modified inquiry file is again transferred back to LITE 3 and is stored in the central database 2 wherein the version of the inquiry file that has been present up to now, but is no longer current, is overwritten." The process of overwriting a file inherently includes performing a comparison to find the previous version so that it can be overwritten.)

- *the disposition information relates to interaction between the sales agent and a person from who the sales lead was received; wherein the disposition information is entered in conjunction with the sales agent terminating working the lead; (P[0068]: control of the business process is based on lead statuses where a newly generated lead is produced by either customer inquiry or external sales partner (e.g. a telemarketer). Both represent "a person from who the sales lead was received". The lead is initially given the disposition of "O" for open. The lead is then either assigned to a sales agent where the status becomes "A" and can only be modified by the assigned sales agent or "the sales representative can refuse to take the lead. By entry of a corresponding note of refusal at 44, the lead again receives the initial status "O" and is further available to the business process, just like a newly generated lead." Thus, the "Refuse\_Text" (P[0197]; Table LLL0) becomes the disposition information relating to the interaction of the refusal. Alternatively, when the agent processes the lead, the attribute value is changed to "C" to designate that the transaction is concluded.)*
17. Buckenmayer does not disclose *automatically assigning the sales lead to a second sales agent to rework the sales lead based on a disposition rule selected as a result of the comparison.*
18. Brodersen, however, discloses that batches of tasks can be submitted for reassignment, such as when an employee is promoted and their tasks need to be reassigned. (C15; L52-56).
19. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included reassigning tasks (i.e., leads) to another for rework, as disclosed by Brodersen, in the system of Buckenmayer for the motivation of ensuring that leads are followed-up and not left to become "cold" as a result of personnel actions, such as promotions, vacations, leaves of absences and terminations. Buckenmayer discloses that sales agents can refuse leads, thus changing the attribute status used in the automatic assignment process. It is obvious that a sales agent might refuse a lead as a result of a job change or unavailability. It is further obvious that such a lead would be reassigned in Buckenmayer's system as a result of the status changed back to "O" for open.

20. **Claim 22:** Buckenmayer discloses a first agent entering disposition information (para. [0063] and [0068]: sales representative refuses to take the lead and status changed from "A" to "O". This action represents disposition information from the agent which causes the lead to be reworked based on the agent's refusal to accept the lead.)
21. **Claim 24:** Buckenmayer discloses a first agent entering disposition information (para. [0063] and [0068]: sales representative refuses to take the lead and status changed from "A" to "O". This action represents disposition information from the agent which causes the lead to be reworked based on the agent's refusal to accept the lead.) Buckenmayer does not disclose automatically assigning the lead to another agent in response to the information.
22. Brodersen, however, discloses that batches of tasks can be submitted for reassignment, such as when an employee is promoted and their tasks need to be reassigned. (C15; L52-56).
23. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included reassigning tasks (i.e., leads) to another, as disclosed by Brodersen, in the system of Buckenmayer for the motivation of ensuring that leads are followed-up and not left to become "cold" as a result of personnel actions, such as promotions, vacations, leaves of absences and terminations. Buckenmayer discloses that sales agents can refuse leads, thus changing the attribute status used in the automatic assignment process. It is obvious that a sales agent might refuse a lead as a result of a job change or unavailability. It is further obvious that such a lead would be reassigned in Buckenmayer's system as a result of the status changed back to "O" for open.
24. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Buckenmayer (US Pub. No. 2002/0165728) in view of Brodersen et al. (US Pat. No. 6,850,895, hereinafter referred to as "Brodersen") in further view of Leadtrack.com (pages documented from the Internet Archive on July 21, 2001 (<http://web.archive.org/web/20010806080042/leadtrack.com/appfeatures.html>; <http://web.archive.org/web/20010811025743/leadtrack.com/reports/terr.gif>; and

<http://web.archive.org/web/20010811024757/leadtrack.com/reports/overdue.gif> hereinafter referred to as "Leadtrack").

25. **Claim 8:** Buckenmayer/Brodersen discloses the method of claims 1 and 7. Buckenmayer does not disclose *an amount of time that a particular sales lead has aged subsequent to the particular sales lead being assigned to an agent, with no disposition being performed upon the particular sales lead.*
26. Leadtrack, however, discloses an "Overdue Lead Report" on page 4 wherein leads for a territory under "Bill Johnson" are past due without any activity. It is inherent that in generating this report, the age of the leads is a searchable attribute. ("Records with no follow-up activity (i.e., *no disposition being performed upon the particular sales lead*) for" and a selectable field with 30 days as the sample report. Without such an attribute, the report could not be generated.)
27. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included tracking aging of leads without activity, as disclosed by Leadtrack in the system disclosed by Buckenmayer, for the motivation of providing a method of evaluating sales agent productivity. Buckenmayer teaches "the generation of a lead to project termination, should be understandable in a completely electronic form" (P[0007]). As it is old and well known that the purpose of sales leads is to generate sales, it is therefore obvious that any system that tracks lead generation through to project termination would be motivated to also track the productivity of the sales agents. The expansion of the system of Buckenmayer include such a capability allows the ability to maximize profits by ensuring that leads that have aged can be reassigned to prevent them from becoming stale, thus risking losing the ability to make a sale.
28. **Claims 21, 23 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckenmayer (US Pub. No. 2002/0165728) in view of Brodersen et al. (US Pat. No. 6,850,895, hereinafter referred to as "Brodersen") in further view of Schultze (US Pat. No. 7,047,206).
29. **Claims 21, 23 and 25:** Buckenmayer/Brodersen discloses the limitations of claims 1 and 17. Buckenmayer and Brodersen both disclose the automatic assignment of leads, but do not



disclose that obtaining disposition information and assignment of the lead to a second agent is automatic in response to the first agent not working the lead in a timely manner.

30. Schultze discloses a method for assigning and tracking leads in which a first agent is provided a limited time that the lead is "available exclusively". "The reseller must contact the lead before the lead becomes available again to other resellers." (col. 2; lines 35-49). A reseller (i.e., a first agent) is given a deadline for processing the lead that is tracked by Schultze's system and results in placing the lead back into the active set of leads by changing a flag value of the lead. (col. 6; lines 31-64). Thus, the disposition information (the changed flag) is obtained automatically as a result of the timing unit that tracks the time limit for processing the lead.
31. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included reassigning a lead to a second agent as a result of a time period deadline, as disclosed by Schultze, in the system disclosed by Buckenmayer, for the motivation of reducing the number of leads that become cold..." (Schultze; col. 2; lines 41-43). By limiting the time period for a first agent to work the lead, the agent is motivated to promptly contact the lead before losing the lead to another agent. (Schultze; col. 6; lines 58-64). As Buckenmayer already discloses a timer that causes the status of a lead to change, and therefore impact further processing (para. [0025] and [0071-0073]), it is both obvious and within the capabilities of Buckenmayer to expand Buckenmayer to include attribute timing status related to the time a first agent has access to a lead.
32. It would also be obvious to combine Schultze with Brodersen as Brodersen has disclosed that batches of tasks (i.e., leads) are automatically reassigned. It is obvious to expand Brodersen to include a time period for determining a reassignment point in order to ensure that leads are processed promptly.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is (571)270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. M./  
Examiner, Art Unit 3629

/John G. Weiss/  
Supervisory Patent Examiner, Art Unit 3629